

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Aurora, Reena

Art Unit: 2862

Attorney Docket No.: 3550

Applicant: HERRMANN, I.

Serial No.: 10/564,245

Filed: 01/11/2006

October 6, 2008

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sirs:

This communication is responsive to the Office Action of July 10, 2008.

In the Office Action claims 1-6 were rejected under 35 USC 102(e) over the U.S. patent to Kurumado.

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In connection with the Examiner's rejection of the claims, it is respectfully submitted that the present application is based on European patent application filed on March 11, 2004, which is followed by a PCT application, and the U.S. filing date of the present application is January 11, 2006. The Kurumado U.S. patent is based on a Japanese patent application filed on April 13, 2004. Therefore, the priority date of the priority application on which the present application is based, is earlier than the priority date of the Kurumado patent on which his U.S. application was based. A certified translation of the priority application is submitted herewith. It is therefore believed that the Kurumado reference cannot be considered as a valid reference.

At the same time it should be mentioned that the new features of the present invention as defined in Claim 1, the broadest claim on file in the present application, are not disclosed in the reference and also cannot be derived from it as a matter of obviousness.

In the magnetic sensor system in accordance with the present invention the two permanent magnets are provided with have a special geometry, and positioned relative to two sensor elements so that the offset of the output signal of the sensor elements in the gradiometer system is minimized.

The patent to Kurumado discloses a rotation detection apparatus which does not use two magnets at all. As disclosed for example in column 15, lines 19 and 53, the apparatus disclosed in the reference always has only one bias magnet 2.

Moreover, in the apparatus disclosed in the reference, always four magnetic-resistor bridges are utilized, while in the magnetic sensor system in accordance with the present invention two sensor elements are used.

It is believed to be clear that the new features of the magnetic sensor system of the present invention as now defined in Claim 1 are not disclosed in the reference, and therefore the reference cannot anticipate the present invention as defined in Claim 1.

The apparatus disclosed in the reference also cannot make the present invention as defined in Claim 1 obvious, because it does not contain any hint or suggestion for the above-mentioned features defined in Claim 1, and therefore the person of ordinary skill in the art at the time the invention was made would not arrive at applicant's invention from the teaching of the reference.

In view of the above presented arguments, it is respectfully submitted that Claim 1, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on Claim 1, they share its presumably allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application with all the claims currently on file is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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